

REMARKS

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

Claims 15-24 have been canceled in this paper. Claims 1 and 5-6 have been amended in this paper. No new claims have been added in this paper. Therefore, claims 1-3 and 5-14 are pending and are under active consideration.

In the outstanding Office Action, the Patent Office states that “[t]he proposed drawing correction filed on November 20, 2003 is approved by the Examiner. Corrected drawings are required in reply to this Office Action.”

In response to the above requirement, Applicant submits herewith corrected drawings. Consequently, the foregoing requirement has been met and should be withdrawn.

The disclosure stands objected to for the following reasons:

The specification cannot refer to the claims, as in page 2, lines 1 and 2, for example. The entire specification should be reviewed to make sure it complies with U.S. practice, for instance including headings such as “Background of the Invention”, “Detailed Description of the Drawings”, etc.

In response to the foregoing objection, Applicant has amended the specification to remove references therein to the claims. With respect to the Patent Office’s comments regarding the inclusion of section headings, Applicant notes that the use of such headings, while preferred, is not required under U.S. practice. Nevertheless, in an effort to place the application in condition for allowance, Applicant has amended the specification in this paper to include certain section headings.

In view of the above, Applicant respectfully submits that the foregoing objection has been overcome and should be withdrawn.

Claims 1-3, 5-12 and 13 stand rejected under 35 U.S.C. 102(b) “as being anticipated by Capuano (US 4431353).” In support of the rejection, the Patent Office states the following:

Regarding claim 1, Capuano discloses a nut 50 comprising a nut body 56 and a turning plate 52, the nut body having an enlarged shoulder 124, a neckpiece 68 extending from the enlarged shoulder, and a conical surface 140 closing off the neckpiece at an end opposite the shoulder, the turning plate 52 being inseparably and rotatably arranged on the nut body (col. 4, l. 32-35), wherein the turning plate is capable of being shoved onto the nut body and secured by means of a locking element which is a bead 100 provided on the conical surface of the nut body, so the turning plate is arranged between the enlarged shoulder and the bead.

As to claim 2, Capuano discloses the bead being formed as a single piece on the nut body, and is capable of being formed by a pressing process.

Referring to claim 3, Capuano discloses the nut body having a base body 58 and the turning plate 52 is arranged on the neckpiece.

As to claim 5, Capuano discloses the bead 100 formed on the neckpiece 68.

Regarding claim 6, Capuano discloses the bead 100 being formed at the transition from the conical surface 140 to the neckpiece 68.

Referring to claim 7, Capuano discloses a notch (the space between neckpiece 68 and turning plate 52) capable of being formed by pressing at least one of the conical surface and neckpiece on its edge facing the turning plate.

Regarding claim 8, Capuano discloses the enlarged shoulder 124 having a conical underside 86 at its end facing the neckpiece and the turning plate has a conical surface region 88 along its inner surface that makes contact with the conical underside of the enlarged shoulder.

In regards to claim 9, Capuano discloses the turning plate having a cylindrical surface region 142 along its inner surface which faces the neckpiece.

As to claim 10, Capuano discloses the turning plate having a slightly conical surface region 144 along its inner surface.

Referring to claim 11, Capuano discloses a bevel or chamfer being provided at the end of the cylindrical surface region and slightly conical surface region facing the base body (at 144).

Regarding claim 12, Capuano discloses the turning plate 52 being trapezoidal.

As to claim 14, Capuano discloses the nut being a wheel nut for motor vehicles.

Applicant respectfully traverses the foregoing rejection.

Claim 1, from which claims 2-3, 7-12 and 14 depends, has been amended herein and now recites “[n]ut (1) comprising a nut body (10) and a turning plate (20), the nut body (10) comprising an enlarged shoulder (15), a neck piece (17) extending from the enlarged shoulder (15), and a conical surface (18) tapering inwardly downwardly from the neck piece (17) and closing off the neck piece (17) at an end opposite the enlarged shoulder (15), the turning plate (20) being inseparably and rotatably arranged on the nut body (10), wherein the turning plate (20) is shoved onto the nut body (10) and secured by means of a locking element, the locking element being fashioned as a bead (26) provided on at least one of said conical surface (18) and said neck piece (17) of the nut body (10), so that the turning plate (20) is arranged between the enlarged shoulder (15) and the bead (26).”

Thus amended, claim 1 is neither anticipated by nor rendered obvious over Capuano for at least the reason that Capuano fails to teach or to suggest a nut comprising, among other things, a nut body wherein said nut body comprises (i) an enlarged shoulder, (ii) a neck piece extending from the enlarged shoulder, (iii) a conical surface tapering inwardly downwardly from the neck piece and closing off the neck piece at an end opposite the enlarged shoulder, and (iv) a bead provided on at

least one of the conical surface and the neck piece. Instead, Capuano discloses a nut body comprising an enlarged shoulder 124/86, a neck 128 extending from the enlarged shoulder 124/86, and an annular retainer rim 130 projecting outwardly from the end of neck 128, rim 130 having opposing end surfaces 100 and 140. Nothing in Capuano teaches or suggests the claimed conical surface **tapering inwardly downwardly** from the neck piece. In fact, as noted above, rim 130 of Capuano projects **outwardly, not inwardly**, from the end of neck 128.

Moreover, apart from the fact that conical surface 140 of Capuano does not taper inwardly downwardly, Applicant respectfully submits that it is error for the Patent Office to contend that Capuano teaches element 100 somehow being provided **on** conical surface 140. It is clear from Fig. 2 of Capuano that element 100 is an end surface (see also col. 5, lines 36-54, of Capuano) that is disposed at the opposite end of rim 130 away from surface 140. Capuano neither teaches nor suggests the provision of any structure **on** surface 140.

Claims 2-3, 7-12 and 14 recite additional limitations and are further distinguishable over Capuano.

Claims 5 and 6, which have been re-written in independent form, are patentable over Capuano for at least the same reasons given above in connection with claim 1. Moreover, to the extent that the Patent Office appears to be taking the position that element 100 of Capuano is positioned on the claimed neck piece ("[a]s to claim 5, Capuano discloses the bead 100 formed on the neckpiece 68"), then there cannot be any structure in Capuano corresponding to the claimed conical surface tapering from the neck piece as element 100 cannot represent both elements at the same time. Similar arguments may be made with respect to claim 6.

Therefore, for at least the above reasons, the foregoing rejection should be withdrawn.

Claim 13 stands rejected under 35 U.S.C. 103(a) "as being unpatentable over Capuano (US 4431353) as applied to claim 1 above, and further in view of Wilson (US 6102488)." In support of the rejection, the Patent Office states the following:

As to claim 13, Capuano discloses the claimed nut except for the base body having a cap. Wilson teaches a cap 56. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include a cap on the base body of Capuano as disclosed in Wilson for decorative purposes and to more firmly hold the nut and washer together.

Applicant respectfully traverses the foregoing rejection. Claim 13 depends from claim 1. Claim 1 is patentable over Capuano for at least the reasons given above. Wilson fails to cure all of the deficiencies of Capuano. Therefore, based at least on its respective dependency, claim 13 is patentable over Capuano in view of Wilson.

Accordingly, for at least the above reasons, the foregoing rejection should be withdrawn.

Applicant submitted an Information Disclosure Statement on January 5, 2004. No indication of said Information Disclosure Statement is included in the outstanding Office Action. Applicant respectfully requests that, in its next communication, the Patent Office address the status of said Information Disclosure Statement.

In conclusion, it is respectfully submitted that the present application is in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is

required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Kriegsman & Kriegsman

By: Edward M. Kriegsman
Edward M. Kriegsman
Reg. No. 33,529
665 Franklin Street
Framingham, MA 01702
(508) 879-3500

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 26, 2004.

Edward M. Kriegsman
Edward M. Kriegsman
Reg. No. 33,529
Dated: July 26, 2004